IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT CHANDIGARH

C.R.No.649 of 2007

DATE OF ORDER: 6.2.2007

Avtar Singh

...Petitioner(s)

Versus

Avtar Singh

....Respondent(s)

CORUM : HON'BLE MR. JUSTICE M.M. AGGARWAL

.*.*.*.

Present: Mr. Gurcharan Dass, Advocate.

M.M. AGGARWAL,J

This is petition filed by the defendant against order dated 6.11.2006 passed by Civil Judge(Jr.Divn.), Ludhiana whereby defence of the defendant was struck off as written statement and reply to the stay application was not filed in spite of many opportunities given. Case was then fixed for consideration of stay matter.

On behalf of the petitioner, it is stated that after this order, case is fixed for evidence of the plaintiff, now respondent but no evidence has so far been recorded. Counsel for the petitioner states that the written statement is ready.

In view of the law laid down by the Hon'ble Supreme Court in

Shaikh Salim Haji Abdul Khayamsab v. Kumar and Others, (2006) 1 Supreme Court Cases, 46, Order 8 Rule 1 CPC are not mandatory. These are directory.

In view of this, petition is allowed. Let written statement be filed and the same be taken on record by the trial Court subject to payment of Rs.2000/- as costs.

February 06, 2007 (M.M. AGGARWAL)
manoj JUDGE